

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DON C. LIVINGSTON,
Petitioner,
v.
PATRICK COVELLO, Warden,
Respondent.

No. 2:20-cv-0047 KJM AC P

ORDER

Petitioner, a state prisoner proceeding pro se, has responded to this court's May 5, 2020 order directing him to show cause why he did not timely oppose respondent's March 23, 2020 motion to dismiss. Petitioner explains that, due to circumstances in the prison associated with the current COVID-19 health crisis, he was deprived access to his legal documents until two weeks ago. Petitioner seeks leave of court to continue with this case and requests extended time to respond to respondent's motion.

Accordingly, for good cause shown, IT IS HEREBY ORDERED that:

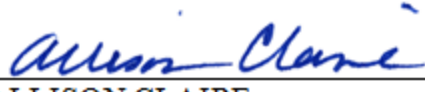
1. Petitioner shall, within 30 days after the filing date of this order, file and serve an opposition or statement of non-opposition to respondent's motion to dismiss.
2. Respondent may file and serve a reply within 14 days after the electronic filing of petitioner's response.

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1 3. Failure of petitioner to timely file a response to respondent's motion will result in a
2 recommendation that this action be dismissed without prejudice.

3 IT IS SO ORDERED.

4 DATED: May 28, 2020

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6 ALLISON CLAIRE
7 UNITED STATES MAGISTRATE JUDGE
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